IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2159 OF 2003

In

SUIT NO.2328 OF 2003

Messrs Nomaan Developers : Plaintiff

V/s.

Kedar Darshan Co-operative Housing

Society Ltd. : Defendant

...

Mr.Pankaj Kowli for the plaintiff.

None present for the defendant.

...

CORAM : S.J.VAZIFDAR, J.

December 8, 2005.

P.C.

1. The learned counsel for the plaintiff states that the only relief which the plaintiff claims is payment of money under the Consent Terms dated 20.10.2000. No case for attachment before judgement is made out. It is submitted that under the Consent Terms, the plaintiff is entitled to the same. That is a money claim which must be decided at the final hearing of the suit.

2. The Notice of Motion is, accordingly, dismissed. This order will not prejudice the plaintiff’s rights to apply for execution of the Consent Terms, in accordance with law.

S.J. VAZIFDAR, J.